AGENDA

AMENDED
May 31, 2022

REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

June 1, 2022

**Public Safety Building**
**255 Exchange Street**
**Geneva, NY 14456**

COUNCIL MEETING STARTS AT 7:00PM

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YouTube.com/cityofgenevany

I. CALL TO ORDER – Mayor, Steve Valentino

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. COUNTY SUPERVISOR UPDATE

V. UPDATE ON THE GENESEE TRANSPORTATION GRANT – Tom Harvey, Director of Ontario County Planning

VI. DRI UPDATE

VII. FOUNDRY UPDATE

VIII. CONSIDERATION OF MEETING MINUTES
*This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:*

A. May 2 (Special Council Meeting) {Page 3}
B. May 4 (Regular Council Meeting) {Page 4}
C. May 5 (Special Council Meeting) {Page 18}

IX. PUBLIC COMMENT
*This portion of the meeting is dedicated to receiving comments from residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all resident attendees are invited to provide comments during this period.*

X. MAYOR AND COUNCIL REPORTS
*This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda*

XI. CITY MANAGER REPORT –*This portion of the meeting is dedicated to presentation of a report by the City Manager on non-action matters that have not been addressed elsewhere on the agenda.*

XII. UNFINISHED BUSINESS

*This portion of the meeting is dedicated to consideration of matters that have been previously considered by City Council. These include:*

A. Second Reading of an Ordinance Adding Private Landlord Registration– Presented by Clr. Salone #5-2022 {Page 19}
B. Resolution Authorizing Agreement for Marsh Creek Upgrades, Electrical Construction – Presented by Mayor Valentino #20-2022 {Page 21}
C. Resolution Authorizing Agreement for Marsh Creek Upgrades, General Construction – Presented by Mayor Valentino #21-2022 {Page 23}

XIII. NEW BUSINESS

*This portion of the meeting is dedicated to consideration of matters that have not been previously considered by City Council. These include:*

A. Resolution Establishing a Public Hearing for a Local Law Regarding Video Conferencing for Council Meetings – Presented by Mayor Valentino #22-2022 {Page 25}
B. Resolution Approving Contract and Appointment of City Manager – Presented by Mayor Valentino #23-2022 {Page 26}
C. Resolution Declaring Equipment Surplus – Presented by Mayor Valentino #24-2022 {Page 39}
D. Board/Commission Appointments {Page 41}

XIV. PUBLIC COMMENT

*This portion of the meeting is dedicated to receiving comments from non-residents on any topics. The standard time limit for public comment is three (3) minutes; however, should you require additional time, please make your request to the Mayor (Presiding Officer) prior to the start of the meeting. As always, your comments are important to Council, and all attendees are invited to provide comments during this period.*

XV. ADJOURNMENT

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

## SPECIAL COUNCIL MEETING

May 2, 2022 – 6:00 PM

City Hall – Second Floor Conference Room
47 Castle Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present in person: Clr. Regan, Clr. Noone, Clr. Burrall, Clr. Pealer, Clr. Salone, and Clr. Gaglianese
Present via Zoom: Clr. Camera and Clr. Salamendra

2. EXECUTIVE SESSION

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Salone**
**MOVED THAT council adjourn to executive session at 6:00pm to discuss the City Manager applicants**
**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Burrall; seconded by Clr. Pealer**
**MOVED THAT council leave executive session at 6:55pm**
**MOTION CARRIED UNANIMOUSLY**

3. ADJOURNMENT

**ACTION TAKEN by Clr. Burrall; seconded by Clr. Pealer**
**MOVED THAT the meeting be adjourned at 6:55pm**
**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*
City Clerk

# T H E G E N E V A C I T Y C O U N C I L

## JOURNAL OF PROCEEDINGS

## REGULAR COUNCIL MEETING

May 4, 2022 – 7:00 PM

Public Safety Building
255 Exchange Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

   Present: Clr. Regan, Clr. Gaglianese, Clr. Burrall, Clr. Pealer, and Clr. Salone, Clr. Noone, Clr. Salamendra (via Zoom) and Clr. Camera (via Zoom)

2. EXECUTIVE SESSION

   **ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Salone**
   **MOVED THAT council adjourn to executive session at 6:00pm to discuss the city manager applicants**
   **MOTION CARRIED UNANIMOUSLY**

   **ACTION TAKEN by Clr. Burrall; seconded by Clr. Pealer**
   **MOVED THAT council return to regular session at 6:55pm**
   **MOTION CARRIED UNANIMOUSLY**

3. PROCLAMATIONS – Don Liberatore
   Boy Scouts Day of Service

4. COUNTY SUPERVISOR UPDATE

   Supervisor Petropoulos announced:
   - The number of COVID cases is up in Ontario County
   - A recent Drug Takeback Day yielded 2800 lbs. of unused pharmaceuticals with 360 cars showing up. Next collection date will be in October
   - The next Board of Supervisor's meeting will be May 12th at 6:00pm, and all are welcome to attend

- There will be a ceremony May 18th at the Sheriff's Office at 74 Ontario Street for people to pay their respects to fallen deputy sheriffs who lost their lives in the line of duty
- There is a special election schedule on the county website
- A Household Hazardous Waste event will be held at the Bristol Highway on September 10th and requires pre-registration
- An E-Waste event is being held at the Farmington Highway on June 11th from 8am to 2pm and requires preregistration
- A Residential Tire Disposal Event will be held May 14th at the Town of Seneca Town Hall. Last year's event yielded 42,400 lbs. of unused tires
- Paper Shredding in October and Used Pumpkin Drop off November 12th

5. FOUNDRY UPDATE

**Remedial Design**

- Remedial designs were progressed for two additional properties in the block located north of Middle Street along the east side of Exchange Street and the west side of Wadsworth Street. These designs will be completed in early May, pending property owner comments. NYSDEC's engineering contractor met with all property owners to review design plans prior to the start of excavation on their properties.
- Remedial designs are nearly complete for 145 and 151 Genesee Street, St. Peter's Church. Remediation of these parcels is anticipated during summer or fall 2022.
- Building structural assessments and additional soil sampling were performed in mid-April at several properties located south of Lewis Street on Genesee, Geneva, and Tillman Streets. Remediation of most of these properties is anticipated in 2023, with up to six properties on the west side of Genesee Street anticipated to be remediated in late 2022.

**Remedial Construction**

- Excavation activities were completed and restoration activities were initiated at six properties located south of Middle Street between Exchange Street and Wadsworth Street. Restoration activities will continue in May and June.
- Excavation began at 113 Exchange Street and additional properties south of 113 Exchange St. along Exchange and Wadsworth Streets. Excavation will continue in this area in May and June, followed by restoration activities.
- Properties remediated in 2021 that did not yet receive replacement plants and trees will receive them in May and June 2022.

6. CONSIDERATION OF MEETING MINUTES

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone**

**MOVED THAT the minutes of the April 4, 5, 20, 25, and 27 Special Council Meetings be approved**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Gaglianese**
**MOVED THAT the minutes of the April 6 Regular Council Meeting be approved**
**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Burrall, Clr. Camera, Clr. Regan, Clr. Salone, Mayor Valentino, Clr. Salamendra and Clr. Pealer**
**Abstain – Clr. Noone**
**MOTION CARRIED**

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Regan**
**MOVED THAT the minutes of the April 11 Special Council Meeting be approved**
**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Burrall, Clr. Camera, Clr. Regan, Clr. Salone, Mayor Valentino, Clr. Salamendra and Clr. Pealer**
**Abstain – Clr. Noone**
**MOTION CARRIED**

**ACTION TAKEN by Clr. Noone; seconded by Clr. Salone**
**MOVED THAT the minutes of the April 28 Special Council Meeting be approved**
**ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Burrall, Clr. Camera, Clr. Regan, Clr. Salone, Clr. Pealer, Mayor Valentino, and Clr. Noone**
**Abstain – Clr. Salamendra**
**MOTION CARRIED**

7. PUBLIC COMMENT

Penny Hankins said that her comments tonight are a continuation of the email she sent to council after they decided not to appeal Judge Doran's decision about the Police Review Board. She said she was disappointed that no councilor, except Clr. Regan, made a statement about Clr. Salamendra's workplace harassment announcement. She asked council how they would react if their friend had their face plastered across a computer screen at a workplace. She said there is a serious problem at the Geneva Police Department. She referred to the situation as workplace harassment that needs to be dealt with and not swept under the rug. She noted Officer Nolin's recent complaint saying that she feels the police department is dysfunctional, and council's decision to not appeal the recent decision was not a wise choice.

Charles King said thank you for considering creating a Police Accountability Committee. My favorite meeting of the PRB was in November when we met with Chief Passalacqua. Not only was this a broadly informative meeting for both sides, but for the first time in what felt like forever, we were acknowledging, in a public forum, that police officers are human beings who sometimes make mistakes. It wasn't "police do everything wrong" or "police do everything right," but a large group of people on the board, and in the Chief's chair and in the gallery, cared deeply about the city, and were looking at the reality of the department's actual disciplinary history, with what policies are currently in place, and were thinking how to bring everyone to a common understanding of how to move forward. That felt like coming up for air. For

our upcoming Annual Report, which would have been in June, I was very much looking forward to showing you the systems that the PRB had finalized for complaint intake, review, and conflict resolution. I'm proud of the Complaint Form, which I spent a long time designing and editing with guidance from the board, the Chief, and numerous Genevans; it was approved by the City attorney, and the city was basically set to go with it four days before the PRB was dissolved. It represented a more efficient and more thorough workflow for complaint intake, but now there is no one to receive that form. Why do people not file complaints directly with the police? I've had 3 people approach me personally during the past 10 months wanting to lodge complaints, but not with the current system. If you are receiving poor service somewhere else in your life and you ask to speak to a worker's manager, and they say, "Sure, here's my uncle, complain all you like," you're probably not going to complain to the uncle. You're going to seek a different person higher up. Obviously an imperfect metaphor, but the fraternal aspect of the police department makes people less likely to complain *to* the police *about* the police, because it's not just an org chart in a company, it's comrades-in-arms, and rightly so. But unless it rises to the level of a crime, there's no one, higher up, fielding complaints. So people spend their time, treasure and talent in the press, or the blogosphere, or social media, or they come to these meetings and complain directly to you, because that's higher up, but it's not a confidential service, so most people stay silent and hurt relationships between the police and the public remain unattended. The current process for complaints against the police is within General Order 300 of the Geneva Police Department. There are some significant problems or at least ambiguities with GO300. Many of the GOs show signs of being written and then edited over the years by multiple authors. There is certainly meaningful policy in GO300, but someone has added an introductory paragraph instructing officers to think of the *disciplinary process* as a means of showing the public that they are confused or mistaken. It makes the Discipline Chapter of the general orders read like a playbook on how to avoid discipline. It's not this serious message: that officers will receive fair, American justice from the police department's authority structure with a presumption of innocence on both sides and a deliberation of evidence, which is what it should be. There are also some weird things going on with the police's complaint form itself. GO300 instructs an officer to draw a complainant's attention to the perjury warning at the end of the form at three distinct times during the process, which is perhaps intimidation, and the definition for perjury on the form is just "False statements herein are punishable as a Class A Misdemeanor," referencing §210.45 of the Penal Law. But the legal definition of perjury is different, it's when (quote) "he knowingly makes a false statement, which he does not believe to be true." That's a different standard from just false statements. And perjury is actually actionable without citing the Penal Law even once, so the three perjury warnings is perhaps egregious. Police policy has been written and rewritten for years, and unchecked power entrenches itself in strange ways sometimes. That's not authoritarianism. It's not evil. To some degree it's first-responder culture being slower and more resistant to change, which is natural, but we are far apart at this stage and not healing as a community, and these policies deserve a contemporary look and a different approach. The Reform and Reinvention Collective group recently reviewed GO400, a 13 page document. They made good suggestions on the Use of Force policy. So we as a city are 2% of the way through reviewing the 535 total pages of the Geneva Police's General Orders, which contain these anachronisms and problems. At best, it's just simple mistakes. At worst, it's confusing, contradictory policies that allow police justification for doing whatever they choose, which is not policy. I implore you: In the short term, enable some kind of group to continue looking at the General Orders of the GPD. And I BEG you: Please set up a system that will allow people to file complaints about police officers in a confidential and fair way where they don't need to go directly *to* the police to complain *about* the police if they don't wish to. Thank you.

Judith Dickinson said that something is wrong here tonight as it has been two weeks since city council received evidence that a threat was made against a councilor, and nothing has been done. She said that the person who displayed the pictures on a computer here at the Public Safety Building has not been

identified, yet we are here in the building where the computer is and that officer may be working. She said the investigation is moving too slow, is too secretive, and exposes the rest of us including members of city council to danger. She said she is deeply angry that she has to come to this building to make her comments. She said that if this person worked in the private sector, they would have been fired, noting that if the Police Review Board was in place, they could have handled this matter. She said she is in support of the resolution tonight for a Police Accountability Committee.

Jessica Farrell of Ward 5 said hello councilors. Tonight, I wanted to speak to you about accessibility and transparency. In 2022, and particularly in a continuing pandemic where our county is calculated to have a "HIGH" level of COVID transmission, all of your open meetings should be livestreamed and the videos should be posted for the public to watch when they have time. This should be the default plan. My comments are inspired by the fact that the city chose not to livestream the public portion of your meeting on April 20th where you voted on appealing Judge Doran's decision and therefore there is no way for the public to watch footage of the meeting on the city's YouTube channel. As you all know, police accountability is a hot button topic in this city—whether you are for or against it. I think it was in bad faith for the city to decide not to record or livestream this meeting. It was a special meeting called with little advance notice, so it is reasonable to assume that it would be difficult for members of the public to arrange to be there in person. Now, from my interactions with several of you, I'm guessing that you might not have known that that the meeting wasn't going to be recorded, that you didn't know you weren't even going to be using mics so that we could hear you, and that you didn't know it wasn't going to be available on YouTube, so I'm going to give you the benefit of the doubt and not read into the lack of video at the meeting where you decided to vote down a board devoted to police accountability. But what I am going to ask you to do is to be more proactive in making sure that your meetings are accessible in the future by insisting that all meetings be miked and livestreamed. To me, given the cost benefit analysis it only makes sense. As elected officials, you should want the public to be as engaged as possible, so I ask that you act like. It is easy enough for city staff to set up a livestream, so why not use the technology and resources we have. Building on that issue of accessibility and thinking about the context of the pandemic, I would like to further comment on what is happening right now, which is public comment. As I said, our county currently has a "HIGH" level of COVID. There are many people who cannot be present at a meeting like this—either because they currently have COVID or they were exposed or they are immunocompromised and coming in person would put them at significant risk. In these circumstances, I think it makes sense to offer the option of making public comment via Zoom. Again, this is a matter of making public engagement in our city government as easy as possible. There are many reasons that a person might prefer to deliver a verbal statement rather than submitting something in writing. Perhaps they feel more articulate when speaking than when writing. Perhaps they don't want to give you the option of not reading their submission. Or perhaps they want to be able to address all of you with witnesses present and on the public record. Many of you like to say that you have spoken to a lot of people, that you are willing to listen to all of your constituents. These statements are disingenuous when you put such limitations on how your constituents can address you. Show the public that you care about what they have to say, that you care about their health and keeping them safe, and that you prioritize accessible, transparent government. Thank you.

Kathryn Slining-Haynes of Ward 1 said she was disappointed that council chose not to appeal the judge's recent decision, especially since we have pro bono legal counsel. She said there is a need for accountability in all city departments including the police department, and she is expressing her support for Clr. Camera's resolution tonight saying that the police chief should welcome input from the public. She said that people should be allowed to file complaints without the fear of retaliation. She asked council to vote in favor of the resolution as she feels it is imperative to have this or another mechanism in place soon. She thanked the former members of the PRB and said she would support them in this new proposed structure.

James McCorkle of Ward 1 said he hopes council will support Clr. Camera's resolution tonight, noting that council has a well-trained pool of potential members to choose from. He reminded council that opponents of the Police Review Board said that police accountability is necessary. He said in light of complaints coming in this past month, it is urgent that this resolution be passed. He said that a person he wrote about in a recent article in the newspaper thanked him saying that the police department is lacking in leadership and is completely mismanaged. He also said that he tried to implement a wellness program for struggling officers, but it fell on deaf ears. He said it was difficult to work for a chief who claimed accountability, but the chief was never held accountable. Mr. McCorkle said that council must act or they will be held accountable for their inactions.

## 8. MAYOR AND COUNCIL REPORTS

Clr. Salone said that the Geneva Housing Authority is working on the Lyceum Heights consolidation and will need approval from HUD before moving forward.

Clr. Gaglianese said that the Police Budget Advisory Board met in April and has been researching budget information and compiling questions for the police chief and comptroller. The Planning Board met in April to review three subdivisions; Solar Village had some minor adjustments to make to lot lines, 32 and 34 Cortland did a lot line change, and 165 White Springs Road came back with changes to their driveway. He said they discussed training for when the new zoning code goes into effect, and Clr. Gaglianese noted that the board membership is full at this point.

Clr. Regan said that COVID went through the Green Committee. The Mission Zero Event this past weekend went well with about 250 people in attendance. She said they raised enough money to cover their expenses with some left over to give to the Geneva Community Center. She said there were five presentations, 25 vendors, and a techno trash bin to collect 315 lbs. of CD's and tapes. She said the Green Committee, Geneva Reads, 4H, Finger Lakes Zero Waste, Ontario County Department of Sustainability and Solid Waste, the County Soil and Water Conservation Office, and representatives from the Town of Geneva were there. She offered congratulations to the Dove Block for their successful opening. She said that a lot of hard work went in to restoring that building and noted the event was sold out.

Clr. Pealer said that the Recreation Advisory Board did not meet. He said that according to the City Charter, they are to act in an advisory capacity to the Recreation Department and make recommendations concerning recreation and youth programs in Geneva. He said they are to have a chair and vice chair, and they will be following the charter from now on. He said the Geneva Housing Authority has a PILOT agreement with the City of Geneva and he asked how much they are paying annually to the City as this paves the way for all not-for-profits to contribute to the city. He said that a couple volunteers showed up at Jefferson Park to help him revitalize the baseball diamond, and Finger Lakes Landscaping came in to roll the field along with 12 kids who came to sand and stain the wood surfaces.

Clr. Burrall gave a shout out to Don Liberatore saying that our downtown has benefited from his service for a couple decades. He also gave a shout out to the boy scouts for their work at the cemetery which he said is a peaceful place for people to spend time. He thanked tonight's speakers saying that it is important for council to hear them at the podium engaging in the Democratic process. He read a birthday card he had received from the Red Cross thanking him for donating blood. He said the next blood drives will be at the Waterloo VFW on May 16th from 1-6pm, Geneva General Hospital May 20th from 10-4, the Hydrant Hose Fire Department May 31st from 10-3. He encouraged people to give blood at Geneva General Hospital June 1st from 10-4pm and come to the council meeting after. He said thank you to anyone considering or reconsidering donating blood. He said that the BID discussed holding Cruisin Night this year and are holding a special meeting tomorrow to decide. Clr. Burrall offered $200 for the Shadetree Committee noting that the balance of his and Jim Norwalk's contributions so far is $1500. Lastly, he said that the Arbor Day celebration was held on Scott LaFaro Drive this past weekend, and they gave away 100 trees to city residents.

Clr. Noone said that the Zoning Board of Appeals needs members. He said that he agrees with the public comment that council needs to create transparency and make our videos available to all. He said he disagreed when a majority of council voted not to pay to put council meetings on Finger Lakes Television.

Clr. Camera said that the Arbor Day Celebration was successful with a lot of work being done to make it happen. He then asked to present a video that can be found at https://www.youtube.com/watch?v=iLWo8B1R0MY.

Mayor Valentino said that the Industrial Development Agency met and heard reports from the school district, the Geneva Enterprise Development Center and a council report from the mayor himself. They talk about their current projects they are working on along with the work they have going on at the GEDC with fixing a sewer problem, asbestos abatement, trying to replace the a/c and working on upgrades. He said the Local Development Corporation met today and are working with MRB Group on a Microenterprise Assistance Grant application. He said also they talked about joint marketing between the LDC and IDA Board. Mayor Valentino said he has a statement with regard to the investigation into the Police Department screensaver allegation. An investigation into the police department's screensaver allegations was commenced by the Geneva Police Department on April 21, 2022, the day after Clr. Salamendra made the matter public. The city and police department take this matter very seriously and intend to investigate it thoroughly and completely. The investigation and any possible discipline are being conducted pursuant to police department general orders. Discipline will be subject to the applicable collective bargaining

agreement, the Taylor Law and Civil Service Law. Proper investigation takes time to do correctly and accurately, and details cannot be disclosed until the investigation and resulting discipline are complete. Neither the city nor the Geneva Police Department condones these actions and will hold the individual(s) responsible accountable.

9. CITY MANAGER REPORT

Acting City Manager Slywka thanked Don Liberatore for his many years of service and the Boy Scouts for their work noting that partnerships aid the city in everything we do. She announced that she was reappointing Victor Nelson for a 5-year term on the Geneva Housing Authority Board. Lastly, she offered congratulations to Pat Cardinale who retired last Friday from the Geneva Fire Department with 20+ years of service saying that she appreciates his time and dedication to our city.

10. RESOLUTION EXTENDING TAX EXEMPTION AGREEMENTS FOR LYCEUM HOUSING II AND III

Mayor Valentino presented the following resolution:

**WHEREAS,** the former Shuron Optical (later, Garden Galleries) property at 150 Lyceum Street has been developed by associated entitles of the Geneva Housing Authority for low-income senior housing, in three stages:

Lyceum Heights I by Lyceum Housing Limited Partnership (LH LP)
Lyceum Heights II by Lyceum II Housing Limited Partnership (LHII LP)
Lyceum Heights III by Lyceum Heights III Housing Development Fund Corporation (LHIII HDFC), and

**WHEREAS**, LH LP, LHII LP, and LHIII HDFC, "the Owners", have executed Tax Exemption Agreements (TEAs) with the City of Geneva, and

**WHEREAS**, the TEA for Lyceum I (2000) is for a term of 30 years, expiring in 2030, and the TEAS for Lyceum II (2005) and Lyceum III (2011) are for terms of 15 years each, and

**WHEREAS**, the TEAs for Lyceum II (2005) and Lyceum III (2011) have expired, and

**WHEREAS**, the Owners anticipate that in the near future all three projects will be consolidated in a re-syndication that will provide funding for repairs and capital improvements, and

**WHEREAS**, the Owners have requested that the TEAs be coordinated with a single expiration date.

**NOW, THEREFORE, BE IT RESOLVED**, that the acting City Manager be and she hereby is authorized to execute and deliver to the owners of Lyceum II and Lyceum III, a written agreement extending the TEAs for Lyceum II and Lyceum III to a terminus date coincident with that of the TEA for Lyceum I.

**ACTION TAKEN by Clr. Salone; seconded by Clr. Gaglianese**
**MOVED THAT this resolution be approved**
**MOTION CARRIED UNANIMOUSLY**

11. **DEFEATED** RESOLUTION CREATING A POLICE ACCOUNTABILITY COMMITTEE

Clr. Camera presented the following resolution:

The City Council of Geneva under its powers of home rule and the Geneva City Charter has the right to constitute independent standing committees to provide research, input and guidance to the City Council on matters of significant public interest.

In the aftermath of the murder of George Floyd in May 2020, many citizens of Geneva expressed their concerns about the GPD's own problems in handling complaints against its officers going back at least as far as the death of Corey Jackson at the hands of the GPD in 2011. The People's Peaceful Protest (PPP) reflected the concerns of many Genevans, young and old.

Eventually, these concerns were addressed through a collaborative process where members of the PPP and other interested residents of the City drafted a law for a police accountability board. After a lengthy revision process by the City Council, in February 2021, the Police Review Board (PRB) was established through the passage of Local Law 1-2021 by a 6-3 vote.

The Law, by changing the City Charter, assured all residents of a permanent and independent review of any complaints they had regarding the GPD.

In June 2021, the City's police union (Local 3471 of New York State Law Enforcement Officers Union, Council 82), challenged the legality of the law and sued for its dismissal which was granted by Judge Craig Doran on April 11, 2022 in the Ontario County Court of the Supreme Court of the State of New York.

This current resolution is to assure the citizens of Geneva that efforts to increase police accountability are still on-going by way of the creation of a standing committee to receive, review, and research complaints about the GPD.

The sole authority to discipline Officers shall remain vested in the Chief or his or her delegates, under the supervision of the City Manager pursuant to City Charter section 9.2 or amendments thereto, the New York State Constitution, the New York State Civil Service Law, Section 891 of the Unconsolidated Laws of the State of New York and applicable Collective Bargaining Agreements between the City and the

Officers. Therefore, be it resolved, that the City of Geneva and its residents deserve an appropriate process for the review of complaints made against the Geneva Police Department.

Be it further resolved that most of the City Councilors. are on record in supporting police accountability.

Be it further resolved that a fair and impartial review process will meet the needs of Geneva residents and also help the GPD improve training methods and internal development leading to an enhanced reputation and greater public confidence.

Be it further resolved that the creation a standing committee of the City Council made up of councilors and members of the public (including the former members of the PRB and any others who are selected by a majority vote of the City Council at the conclusion of an application and interview process) will assure a broad perspective on and impartial analysis of complaints.

And finally, be it resolved, that the City Council of the City of Geneva shall constitute the standing committee known as the **Police Accountability Committee** whose purpose shall be to receive, research, analyze, and make recommendations to the City Council, Chief of Police and City Manager so they may better perform oversight of police operations and management for the citizens of Geneva.

Clr. Camera said that this would be a standing committee of city council with members from council and members of the community, and they would report to council. He said they would perform an independent assessment of police misconduct or a complaint lodged against the department and investigate. He said that the City Charter sections 3.13 and 3.16, talk about council having the power to investigate and other general powers. He said that council must make the system work better and give everyone the same protections.

Clr. Noone asked if legal or anyone else on staff was involved with the drafting of this resolution, and Clr. Camera said they had not yet. Clr. Noone said that he is a firm believer in oversight and accountability, especially for this council, and he believes the process should come about as a collaborative undertaking and not cause more division. He said he believes this resolution was created with tunnel vision and without input from skate holders, and it does not have complete buy-in. He said it is time to stop creating fear and division, ignoring experts and opposing views, and having an attitude of knowing better than everyone else and not listening to other views. He said he believes we can have tough conversations and bring accountability and oversight, but it has to be with everyone's voice.

Clr. Regan said that it is good to continue the conversation, but she feels this needs more work. She asked about provisions for members who will make up the committee. Clr. Camera mentioned the members of the PBR already doing a lot of homework along with other stakeholders. Clr. Burrall thanked Clr. Camera for keeping accountability on the table, but he also feels it needs legal review. He said since the charter says that resolutions are to go through legal review first, that this should be the practice before putting items on the agenda from now on. Mayor Valentino said that there may be a slight conflict with the council rules of procedure because that allows for council members to bring forward any resolution for the agenda. He noted that there could be an opportunity to clean up that language.

Clr. Pealer said he does not see this working as accountability starts from the top. He referred to a request he made for information from discussions between our attorneys and the PRB members, and he was not provided any documents. He said that the rules need to apply to everyone the same, and if not, that is not accountability for all.

Clr. Salamendra said there is a difference between councilors and police as police have power to arrest people and harm them. She said it comes down to if we believe victims or not. She said that it is difficult for people to bring their complaints forward when the police are sitting there also because the person was harmed by the police. She questioned if council wants to hear complaints or not, because complaints are based on how people feel, and they are not comfortable talking to the police. She said there are now two complaints, hers and Officer Nolin, and council has an obligation to listen to the victims no matter the number. She said she supports Clr. Camera's resolution and the victims, and she believes there is a problem at the police department.

Mayor Valentino said that the challenge here is council is repeating something done before. He said he sees a lack of detail in this resolution as far as appointments and structure, and it falls short in his opinion.

Clr. Camera said that even if only 100 people felt disenfranchised by the police, we owe them accountability. He said that members will develop guidelines that can be tuned up later. He said that this is not extraordinarily illegal as standing committees can be formed per the charter. He said he feels the longer council waits to do something; their credibility goes down as a body.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**
**MOVED THAT this resolution be approved**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Burrall**
**MOVED THAT this resolution TABLED**
**ROLL CALL VOTE: Aye – Clr. Regan, Clr. Burrall, and Clr. Salamendra**
**Nay – Mayor Valentino, Clr. Gaglianese, Clr. Pealer, Clr. Salone, Clr. Noone and Clr. Camera**
**MOTION DEFEATED**

**{Roll call on the original motion}**
**ROLL CALL VOTE: Aye – Clr. Camera**
**Nay – Clr. Regan, Clr. Gaglianese, Clr. Salone, Clr. Pealer, Clr. Burrall, Mayor Valentino, Clr. Noone and Clr. Salamendra**
**MOTION DEFEATED**

12. FIRST READING OF AN ORDINANCE ADDING CHAPTER 111-A TO THE GENEVA MUNICIPAL CODE ENTITLED "PRIVATE LANDLORD REGISTRATION"

Clr. Salone presented the following ordinance for first reading:

**WHEREAS** it is the policy of the City of Geneva to promote the availability and accessibility of safe housing for all persons in the City, and

**WHEREAS**, identification of private residential rental properties in the City and the ownership of said properties is incomplete, and

**WHEREAS**, creation of a registry of private rental properties in the City will facilitate contact by the City with the owners of such properties to resolve code issues, to identify and prosecute nuisances, and resolve other matters in a timely and expeditious manner, and

**WHEREAS,** creation of a registry of private residential rental properties in the City will enable the City to provide information to landlords, renters, and State and Federal agencies to enable access to financial assistance, including funds available regarding COVID-19 impacts,

**THEREFORE, BE IT ORDAINED BY THE GENEVA CITY COUNCIL THAT A NEW CHAPTER SHALL BE ADDED TO THE GENEVA CITY MUNICIPAL CODE IDENTIFIED AS CHAPTER 111-A,**

**ENTITLED "PRIVATE LANDLORD REGISTRY"**

**111-A-1 PURPOSE**

The purpose of this chapter is to establish a procedure for the identification and registration of private residential rental properties as defined herein, and to ensure that the City of Geneva, hereinafter "City", has a meaningful, efficient, and effective means of communicating with private landlords. This chapter is adopted to promote the health and safety of tenants and residents of the City, and to alleviate conditions of substandard housing.

**111-A-2 ENFORCEMENT.**

This registry shall be enforced by the City Office of Code Enforcement. See § 230-12. Code Enforcement Officers and Inspectors.

**111-A-3 DEFINITIONS**

**REGISTRY AUTHORITY** shall mean the City Office of Code Enforcement.

A) **PRIVATE LANDLORD** shall mean any private person or persons, Corporation, LLC, or other entity who owns, leases, or has any interest in and operates private residential rental property or properties in the City as a for profit business.
B) **PRIVATE RESIDENTIAL RENTAL PROPERTY** shall mean any Dwelling, as defined now in the City Code under §350-2(A) thereof, or as hereinafter amended, which is, or any part of which is, operated by a private landlord for residential purposes.
C) **DWELLING UNIT** shall have the same meaning as defined in the City Code, under §350-2(A) thereof, or as hereinafter amended, under the term "Dwelling" .

**111-A 4 REGISTRATION OF PRIVATE LANDLORDS**

A) All private landlords in the City shall be required to register with a contact name and phone number within ninety days of the effective date of this ordinance or within 10 days of acquiring an interest in private residential rental property, by deed, lease or other transaction, whichever is sooner. Failure to register or maintain accurate information, may result in the suspension of the Certificate of Occupancy for the property in question and a penalty of Two Hundred and Fifty dollars. Penalty must be paid in full and re-inspection of affected property or properties must be completed before suspension will be lifted.

Clr. Salone said that there would be no fee, and those who do not comply would be charged a penalty and lose their certificate of occupancy.

Clr. Pealer thanked Clr. Salone for removing the fee part of this ordinance and asked if it could be amended to include a local property manager if the owner lives outside the city. Clr. Regan agreed with including a local property manager.

Clr. Camera thanked Clr. Salone and asked if he would also be willing to include a request for the owners physical and mailing addresses, fax number and email. Mayor Valentino told council members to send their requests for changes to Clr. Salone and legal so they can incorporate them into the ordinance for the second reading.

Clr. Burrall questioned the context of the words “private” and “profit” and asked if they could be removed. Clr. Gaglianese encouraged council to look at the ordinances for Canandaigua and Skaneateles as they are simple and straight forward.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Noone**
**MOVED THAT this ordinance be approved for first reading**
**MOTION CARRIED UNANIMOUSLY**

13. RESOLUTION AUTHORIZING AN AGREEMENT FOR MARSH CREEK UPGRADES

Mayor Valentino presented the following resolution:

**WHEREAS,** the City of Geneva owns a facility on 45 Doran Ave.; and

**WHEREAS,** on April 29, 2022 City staff received one bid and determined that it met the needs of the city for the necessary upgrades; and

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute an agreement with Koester Associates, Inc. to provide equipment to the Marsh Creek

Wastewater Treatment Plant including a duplex pre-packaged pumping station and related work described in the bid documents.

**ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer**
**MOVED THAT this resolution be approved**
**MOTION CARRIED UNANIMOUSLY**

14. PUBLIC COMMENT

Pat Schiller told council that because of the Seneca Seven organizers and a multitude of volunteers, Geneva has a very positive image. She said there were over 1500 people here and the event was very well run. Clr. Burrall added that the event sold out in 90 seconds.

15. ADJOURNMENT

**ACTION TAKEN by Clr. Salone; seconded by Clr. Noone**
**MOVED THAT the meeting be adjourned at 9:10pm**
**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*

City Clerk

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

## SPECIAL COUNCIL MEETING

May 5, 2022 – 7:00 PM

City Hall – Second Floor Conference Room
47 Castle Street
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present in person: Clr. Regan, Clr. Noone, Clr. Burrall, and Clr. Salone
Present via Zoom: Clr. Pealer, Clr. Camera, Clr. Salamendra and Clr. Gaglianese

2. EXECUTIVE SESSION

**ACTION TAKEN by Clr. Salone; seconded by Clr. Regan**
**MOVED THAT council adjourn to executive session at 7:00pm to discuss the City Manager applicants**
**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Salone; seconded by Clr. Regan**
**MOVED THAT council leave executive session at 7:52pm**
**MOTION CARRIED UNANIMOUSLY**

3. ADJOURNMENT

**ACTION TAKEN by Clr. Salone; seconded by Clr. Regan**
**MOVED THAT the meeting be adjourned at 7:52pm**
**MOTION CARRIED UNANIMOUSLY**

*Lori Guinan*
City Clerk

## CITY OF GENEVA

## CITY COUNCIL ORDINANCE NO 5-2022

## ORDINANCE ADDING CHAPTER 111-A TO THE GENEVA CITY MUNICIPAL CODE ENTITLED "PRIVATE LANDLORD REGISTRATION"

**WHEREAS** it is the policy of the City of Geneva to promote the availability and accessibility of safe housing for all persons in the City, and

**WHEREAS**, identification of private residential rental properties in the City and the ownership of said properties is incomplete, and

**WHEREAS**, creation of a registry of private rental properties in the City will facilitate contact by the City with the owners of such properties to resolve code issues, to identify and prosecute nuisances, and resolve other matters in a timely and expeditious manner, and

**WHEREAS,** creation of a registry of private residential rental properties in the City will enable the City to provide information to landlords, renters, and State and Federal agencies to enable access to financial assistance, including funds available regarding COVID-19 impacts,

**THEREFORE, BE IT ORDAINED BY THE GENEVA CITY COUNCIL THAT A NEW CHAPTER SHALL BE ADDED TO THE GENEVA CITY MUNICIPAL CODE IDENTIFIED AS CHAPTER 111-A, ENTITLED "PRIVATE LANDLORD REGISTRY"**

### 111-A-1 PURPOSE

The purpose of this chapter is to establish a procedure for the identification and registration of private residential rental properties as defined herein, and to ensure that the City of Geneva, hereinafter "City", has a meaningful, efficient, and effective means of communicating with private landlords. This chapter is adopted to promote the health and safety of tenants and residents of the City, and to alleviate conditions of substandard housing.

### 111-A-2 ENFORCEMENT

This registry shall be enforced by the City Office of Code Enforcement. See § 230-12. Code Enforcement Officers and Inspectors.

## 111-A-3 DEFINITIONS

A) **REGISTRY AUTHORITY** shall mean the City Office of Code Enforcement.

B) **PRIVATE LANDLORD** shall mean any private person or persons, Corporation, LLC, or other entity who owns, leases, or has any interest in and leases Private Residential Rental Property or properties in the City.

C) **PRIVATE RESIDENTIAL RENTAL PROPERTY** shall mean any Dwelling, as defined now in the City Code under §350-2(A) thereof, or as hereinafter amended, which is, or any part of which, is leased by a private landlord for residential purposes.

D) **DWELLING UNIT** shall have the same meaning as defined in the City Code, under §350-2(A) thereof, or as hereinafter amended, under the term "Dwelling".

## 111-A 4 REGISTRATION OF PRIVATE LANDLORDS

A) All Private Landlords shall be required to provide information as stipulated in subdivision B below within ninety days of the effective date of this ordinance or within 10 days of acquiring an interest in private residential rental property by deed, lease, or other transaction. Failure to register or maintain accurate information, may result in the suspension of the Certificate of Occupancy for the property in question and a penalty of Two Hundred and Fifty dollars. Penalty must be paid in full and re-inspection of affected property or properties must be completed before suspension will be lifted.

B) Private Landlord Information: name of the person or persons, the Corporation, the LLC, or other entity; a physical address; a mailing address; primary and secondary telephone numbers; a fax number; and an email address.

GENEVA
UNIQUELY URBAN

## Geneva City Council
## Agenda Item Briefing

To: Geneva City Council

From: Joseph Venuti, Director of Public Works

Meeting Date: June 1, 2022

Item Title: Resolution Authorizing Agreement for Marsh Creek Pump Station Upgrades

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**Background:**
Staff has solicited by open competitive bidding process and received three (3) bids for Marsh Creek Pump Station Upgrades-Electrical Construction on May 18, 2022.

**Contract #2 – Electrical Construction:**
Includes the furnishing and installation of electrical power items required to power and control one duplex pump station supplied by the City. This contract also includes all work shown on the "E" drawings of the bid documents, plus assistance with startup and required testing.

**Financial Impact:**
One hundred sixteen thousand, seven hundred fifty dollars.
$116,750.00

**Department of Engineering and Public Works**
**Joseph Venuti, Director of Engineering and DPW**
CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-3101 - FAX (315) 789-8373 - JVenuti@Geneva.ny.us - www.cityofgenevany.com

## RESOLUTION # 20 - 2022

## RESOLUTION AUTHORIZING A CONTRACT FOR MARSH CREEK PUMP STATION UPGRADES - ELECTRICAL CONSTRUCTION

**WHEREAS,** the City of Geneva owns a sanitary sewer pumping station facility on 45 Doran Ave.; and

**WHEREAS,** City staff received bids on May 18, 2022 and determined that they met the needs of the city for the necessary upgrades; and

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute an agreement with Colacino Industries Incorporated from Newark, N.Y. to perform upgrades to the Marsh Creek Pump Station.

GENEVA
UNIQUELY URBAN

## Geneva City Council
## Agenda Item Briefing

To: Geneva City Council

From: Joseph Venuti, Director of Public Works

Meeting Date: June 1, 2022

Item Title: Resolution Authorizing Agreement for Marsh Creek Pump Station Upgrades

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**Background:**
Staff has solicited by open competitive bidding process and received two (2) bids for Marsh Creek Pump Station Upgrades-General Construction on May 18, 2022.

**Contract #1 – General Construction:**
This project will generally consist of the following work within a single contract: GC includes the installation of one duplex pump station supplied by the City in a new concrete wet well provided and installed by this contract plus all other work shown on "N, D and G" drawings of the bid documents.

**Financial Impact:**
One million, one hundred forty-nine thousand, one hundred and one dollars.
$1,149,101.00

**Department of Engineering and Public Works**
**Joseph Venuti, Director of Engineering and DPW**
CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-3101 - FAX (315) 789-8373 - JVenuti@Geneva.ny.us - www.cityofgenevany.com

## RESOLUTION # 21 - 2022

## RESOLUTION AUTHORIZING A CONTRACT FOR MARSH CREEK PUMP STATION UPGRADES - GENERAL CONSTRUCTION

**WHEREAS,** the City of Geneva owns a sanitary sewer pumping station facility on 45 Doran Ave.; and

**WHEREAS,** City staff received bids on May 18, 2022 and determined that they met the needs of the city for the necessary upgrades; and

**NOW, THEREFORE BE IT RESOLVED** that the Geneva City Council, hereby and in due form, does authorize the City Manager to execute an agreement with C. O. Falter Construction Corporation, from Syracuse N.Y. to perform upgrades to the Marsh Creek Pump Station.

# Geneva City Council
# Agenda Item Briefing

| | |
|---|---|
| To: | Geneva City Council |
| From: | Steve Valentino, Mayor |
| Meeting Date: | June 1, 2022 |
| Item Title: | Resolution Scheduling a Public Hearing in Connection with the Adoption of a Local Law Adopting Video Conferencing Procedures |

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**Action Required:**
Majority vote of council to adopt procedures

**Background:**
Council is looking to allow alternate methods of participation by members to allow for meaningful participation in the conduct of city business. Council would like to adopt video conferencing procedure which will be done by local law.

A public hearing is required before a local law can be considered. The local law that will come before council at the July meeting will amend council rules of procedures governing use of video conferencing by city council and all city committees and subcommittees.

**Financial Impact:**
N/A

**Attachments:**
Draft of local law #4-2022

## RESOLUTION # 22 - 2022

## RESOLUTION SCHEDULING A PUBLIC HEARING IN CONNECTION WITH THE ADOPTION OF LOCAL LAW # 4-2022, ADOPTING VIDEO-CONFERENCING PROCEDURES FOR CITY OF GENEVA PUBLIC BODIES

**WHEREAS**, allowing alternate methods of participation by members of the City Council, the City Planning Board, the City Zoning Board of Appeals, and other City Public Bodies, furthers meaningful participation in the conduct of city business, and

**WHEREAS**, the Geneva City Council supports professionalism and accountability of the members of City Public Bodies by allowing them to participate in meetings by Video Conferencing, and,

**WHEREAS**, it is in the public interest of the citizens of the Geneva to allow members of City Public Bodies to participate in meetings by Video Conferencing, and

**WHEREAS**, in furtherance of said goals, Geneva City Council intends to adopt local law #4 - 2022 governing the use of Video Conferencing for all Public Bodies of the City of Geneva, and

**WHEREAS,** the Municipal Home Rule Law requires a Public Hearing be held before a local law can be adopted,

**NOW, THEREFORE BE IT RESOLVED** that a public hearing be held on July 6, 2022 at 7:00p.m. pursuant to the Municipal Home Rule Law concerning proposed local law # 4 - 2022 submitted herewith.

## LOCAL LAW # 4 - 2022

## LOCAL LAW ADOPTING PROCEDURES GOVERNING THE USE OF VIDEO-CONFERENCING FOR GENEVA CITY COUNCIL MEETINGS

` **BE IT ENACTED**, by the City Council of the City of Geneva as follows:

SECTION ONE. Purpose. The purpose of this Local Law is to authorize the use of Video Conferencing by members of public bodies of the City of Geneva, in accordance with New York State Public Officers Law §103-a, Video Conferencing by Public Bodies.

SECTION TWO. Authorization for the Use of Video Conferencing. The City Council hereby authorizes the use of Video Conferencing for all public bodies in the City of Geneva, including itself and its committees and subcommittees, and all boards of the City of Geneva, subject to the written procedures attached to this local law.

SECTION THREE. Upon the adoption of this local law, the City Council and all City Public Bodies shall follow the Procedures Governing the Use of Video Conferencing for the City of Geneva set forth herein.

SECTION FOUR. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION FIVE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.

# PROCEDURES GOVERNING THE USE OF VIDEO CONFERENCING FOR THE CITY OF GENEVA

These Procedures shall govern the use of Video Conferencing for all public bodies of the City of Geneva including, but not limited to, the City Council of the City of Geneva, the Planning Board of the City of Geneva, the Zoning Board of Appeals of the City of Geneva, and all City committees and subcommittees, (each being hereafter referred to as a "Public Body"):

1. A minimum number of members of the Public Body must be present in the same physical location or locations, where the public can attend, to fulfill any quorum requirements to which said Public Body is subject.

2. These procedures shall be conspicuously posted on the City's website.

3. Members of a Public Body must be physically present at the meeting unless such member is unable to be physically present at such meeting location due to extraordinary circumstances, including disability, illness, or any other significant event which precludes the member's physical attendance at such meeting.

4. Remote participation should be requested through the City Clerk no later than 48 hours before the meeting. The City Clerk will notify the presider of the request. The request must be approved by the presider based on the requirements stated in section 3 above. Emergency requests within the 48 hour requirement may be considered depending on the circumstances.

5. Except in the case of executive sessions, each Public Body shall ensure that members of the Public Body can be heard, seen and identified while the meeting is being conducted. Members will be required to be in person for Executive session.

6. The minutes of any meetings involving Video Conferencing shall include which, if any, member participated remotely.

7. If Video Conferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that Video Conferencing will be used. The required documents and records will be posted or available and identify the physical location for the meeting where the public can attend.

8. The Public Body shall provide that each meeting conducted using Video Conferencing shall be recorded and such recordings posted or linked on the public website of the City or the Public Body within five business days, and shall remain so available for a minimum of one year thereafter.

**9.** A transcript of recordings will be provided upon request, subject to availability.

**10.** The in person participation requirements set forth above shall not apply during a state disaster emergency declared by the governor pursuant to section twenty-eight of the executive law, or a local state of emergency proclaimed by the chief executive of a county, city, village or town pursuant to section twenty-four of the executive law, if the board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Public Body to hold an in person meeting.

**11.** Open meetings of any Public Body that are broadcast or that use Video Conferencing shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines.

# Geneva City Council
# Agenda Item Briefing

| | |
|---|---|
| To: | Geneva City Council |
| From: | Steve Valentino, Mayor |
| Meeting Date: | June 1, 2022 |
| Item Title: | Resolution Approving Contract and Appointment of City Manager |

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**Action Required:**
Majority vote of council to appoint new city manager

**Background:**
The City of Geneva advertised for applicants to serve as the new city manager. Groups of community members and staff were selected to assist city council with their interview process. One round of virtual interviews were conducted followed by in person interviews for the top three candidates. Council chose Amie Hendrix as the best candidate to further the city's comprehensive plan and lead us with the utmost integrity and professionalism.

**Financial Impact:**
$130,000 per year plus benefits

**Attachments:**
Employment agreement

## RESOLUTION # 23 - 2022

## RESOLUTION APPROVING CONTRACT AND APPOINTMENT OF CITY MANAGER

**WHEREAS,** the Geneva City Council has previously advertised for applicants to serve as Geneva City Manager; and

**WHEREAS,** Geneva City Council was committed to selecting the best candidate, with the most relevant experience, the greatest potential for positive impact in the community, a demonstrated understanding of the City's comprehensive plan and what it takes to manage a total community - one that is as focused on people as it is on projects, and a leader of the utmost integrity and professionalism to lead us to our vision of a Beautiful, Prosperous, Equitable, Connected and Sustainable Geneva; and

**WHEREAS**, Geneva City Council thanks community members, including the City Search Committee, for feedback regarding the City Manager search; and

**WHEREAS**, Geneva City Council has determined that Amie Hendrix is best qualified to serve as Geneva City Manager; and

**WHEREAS,** the Geneva City Council and Amie Hendrix have negotiated an Employment Agreement which is attached hereto and made a part hereof which provides for annual compensation in the amount of One Hundred-Thirty Thousand Dollars ($130,000.00) with additional benefits as set forth in the City's Management Benefits Agreement; and

**WHEREAS,** it is believed that the attached Employment Agreement is fair and reasonable.

**NOW, THEREFORE BE IT RESOLVED**, be that Amie Hendrix is hereby appointed Geneva City Manager pursuant to section 4.1 of the Geneva City Charter, effective June 21, 2022; and further

**RESOLVED** that the Employment Agreement between the City of Geneva and Amie Hendrix which is attached hereto and made a part hereof is hereby approved and the Mayor is hereby authorized to execute said agreement on behalf of the Geneva City Council.

# EMPLOYMENT AGREEMENT

This Agreement, EFFECTIVE JUNE 21, 2022, by and between the parties, towit, the City of Geneva, New York, a New York municipal corporation, hereinafter called the "Employer", and Amie Hendrix, an individual identified and selected by the City of Geneva as City Manager, hereinafter called the "Employee".

WHEREAS, the Geneva City Council has advertised for applicants to serve as Geneva City Manager, and

WHEREAS, Amie Hendrix has the education, training, and experience in local government management and who, as a member of the International City/County Management Association (ICMA), is subject to the ICMA Code of Ethics, and

WHEREAS, the Geneva City Council has determined that Amie Hendrix is best qualified to serve as City Manager.

NOW THEREFORE. the parties do agree as follows:

Section 1 : Term

The term of this Agreement will be effective as of June 21, 2022 and shall continue for a term ending on December 31, 2025. Changes and or entitlement to compensation and other terms of this Agreement shall be made in accordance with Sections 3, 10, 11, and 16 E of this Agreement.

Extensions to the term of this agreement may be granted based on the performance evaluation process outlined in Section 11, provided however that this Agreement shall automatically be renewed on its anniversary date for a one-year term should no such evaluation be conducted.

This Agreement may only be terminated in accordance with Sections 9 or 10 of this Agreement, unless otherwise agreed by both parties.

Section 2: Duties and Authority

A. Employer agrees to employ Amie Hendrix as Geneva City Manager to perform the functions and duties specified for said office in Article 4 of the Geneva City Charter and by the Geneva City Municipal Code, and to perform other legally permissible and proper duties and functions as the City Council shall from time-to-time assign with the express written agreement of the Employee. The City Council may not reassign Employee to another position in the absence of Employee's express written consent to such assignment.
B. Except as may be provided otherwise by applicable law, regulation, or this Agreement, Employee shall carry out Employer's lawful policy directives, goals, and objectives, as communicated to Employee by Employer's governing body, while presenting information

and recommendations that allow for fully informed policy decisions that both address immediate needs and anticipate future conditions.

C. Pursuant to the Geneva City Charter, the employee shall have the ultimate supervisory and managerial authority and responsibility to hire, direct, assign, reassign, evaluate, change the terms and conditions of employment, and terminate the employment of all other employees of Employer consistent with the policies of the governing body and the ordinances and charter of the Employer, which authority may be delegated by Employee to such other employees as Employee deems appropriate.
D. Except as may be provided otherwise by applicable law, regulation, or Employer's agreement with any other person, Employee shall have the authority to establish internal regulations, rules, and procedures which the Employee deems necessary for the efficient and effective operation of the Employer.
E. Employee shall attend and be permitted to attend, whether personally or through a designee of Employee's choosing, all meetings of Employer's governing body, both public and closed, with the exception of those closed meetings devoted to the subject of this Agreement, or any amendment thereto, or the Employee's evaluation, unless otherwise provided by applicable law, regulation, or Employer's agreement with any other person.
F. Employer agrees to promptly communicate and provide Employee a reasonable opportunity to cure all substantive criticisms, complaints, and suggestions with respect to Employee's performance of services pursuant to this Agreement.

Section 3: Compensation

A. Base Salary: Employer agrees to pay Employee an annual base salary of One Hundred Thirty Thousand and 00/OO ($130,000.00) payable in biweekly installments according to the standard pay calendar.
B. COLA: Employer agrees to pay Employee an annual 2% Cost of Living Adjustment (COLA), effective the first day of January of each year this Agreement is in effect.
C. This Agreement shall be automatically amended to reflect any salary adjustments that are provided or required by the Employer's compensation policies and/or Management/Non-Represented annual COLA increase.
D. Merit Raises: Consideration shall be given on an annual basis to pay the Employee additional compensation as part of the performance evaluation process (100% merit based) outlined in Section 8 A below.
E. Compensation Modifications: once this Agreement is executed, the provisions of this section shall only be amended by a properly and duly executed resolution of the Geneva City Council, in keeping with the provisions set forth herein.

Section 4: Health Insurance Benefits

Employee is entitled to the health insurance benefits afforded other employees covered by the Management Benefits Plan in effect as of this Agreement, and as amended from time to time. Except as otherwise provided in this Agreement, the Employee shall be entitled, at a minimum, to the highest level of benefits/co-pay enjoyed by and/or available to other employees, department heads, or general

employees of the Employer as provided by the Employer's policies, charter, ordinances, or personnel rules and regulations or other practices.

Section 5: Additional Benefits

A. Employee shall receive additional benefits as set forth in the City's Management Benefits Package; except as noted below.
B. Vacation and Sick Leave
   Upon commencing employment, the Employee shall be credited with 1 day accrued sick leave hours and 4 weeks accrued vacation leave hours. In addition, beginning the first day of employment, Employee shall be eligible to accrue and use sick leave and vacation leave on an annual basis, at a minimum, at the rate of the tenure of 13 years within local government.

Section 6: Dues/Professional Development

A. Employer agrees to budget and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer.
B. Employer agrees to budget and to pay for reasonable travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to the ICMA Annual Conference, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member, provided that the Employee submit a request for said travel to the Mayor and Council at least 30 days prior to Employee's attendance at such events. Requests exceeding the budgetary allotments for same will be subject to council approval via a resolution authorizing the expenditure of additional funds.
C. Employer agrees to provide and budget monies for advancement of Employee under the ICMA Credentialed Manager Program. Employee agrees to repay any funds dispersed for this purpose in the previous twelve months should she voluntarily resign.

Section 7: Retirement, Deferred Compensation, and Flexible Spending Plan

A. The Employee shall be enrolled in the New York State Employee Retirement System on the same basis as all other City Employees, and in accordance with the Employee's status within the New York State Retirement System.
B. The Employer agrees to allow the Employee to participate in a Deferred Compensation program at no cost to the Employer.
C. The Employer agrees to establish, upon election of the Employee, a Flexible Spending Plan allowing the Employee to pay the employee share of medical or dental expenses, and dependent care costs with pre-tax dollars to the extent allowable by law.

Section 8: Moving and Relocation Expenses

A. Employee shall establish residence within the corporate boundaries of the local government, within 6 months of the effective date of employment barring any unforeseen circumstances, and thereafter to maintain a primary residence within the corporate boundaries of the local government.
B. Employer shall pay a one-time relocation allowance directly to the Employee as reimbursement for the expenses of relocation of her and her family and their personal property from Tompkins County, New York to Geneva, New York as follows. Employer agrees to pay to the Employee, during the term of this Agreement in addition to other salary and benefits herein provided, up to $15,000 to be used towards the purchase or lease of a residence in the City of Geneva, including but not limited to: real estate fees, title insurance; other costs directly associated with the purchase, construction, or lease of the residence; moving expenses which may include packing, moving, storage costs, unpacking, and insurance charges; and any tax liability incurred by the Employee in connection with the payment of her relocation expenses by the Employer.

Section 9: General Work Conditions

A. Performance Evaluation. Employer shall annually review the performance of the Employee. The overall process, form, criteria, and format fore the evaluation shall be mutually agreed upon by the Employer and the Employee. The Process, at a minimum, shall include opportunities for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be competed and delivered to the Employee within thirty (30) days of the evaluation meeting.
B. Hours of Work, Employer recognizes that the Employee must devote a great deal of time outside the normal office hours on business for the Employer, and to that end Employer intends that reasonable time off be permitted to Employee, such as is customary for exempt employees so long as the time off does not interfere with the normal conduct of the office of the City Manager.
C. Outside Activities. The employment provided for by this Agreement shall be the Employee's sole employment. Recognizing that certain outside consulting or teaching opportunities provide indirect benefits to the Employer and the community, the Employee may elect to accept limited teaching, consulting, or other business opportunities with the understanding that such arrangements must neither constitute interference with nor a conflict of interest with their responsibilities under this Agreement. The City Council must be notified of all outside employment in advance of said employment.

Section 10: Termination and Severance

Should Council wish to terminate the Employee, the procedure outlined in Section 4.5 of the City Charter shall be followed. In the event that the Employee is terminated by Council, then the Employer agrees to provide severance pay in the amount to be negotiated at the time of termination The employee shall be entitled to no less than three (3) months of base salary as agreed in writing and approved by the City Council

Unless extended by City Council resolution, the failure to establish residence as described in Section 7 above shall constitute grounds for Termination, unforeseen circumstances excluded.

Section 11: Resignation

In the event that the Employee voluntarily resigns her position with the Employer, the Employee shall provide a minimum of thirty (30) calendar days written notice to the Employer unless the parties agree otherwise in writing and approved by the City Council. Provided the notice described in this Section is given, the Employee shall receive a payout as set forth in the Management Benefits package.

Section 12: Ethical Commitments

The Employer expects the Employee to adhere to the highest professional standards. The Employee's actions will always comply with those standards. The Employee agrees to follow the City of Geneva Code of Ethics and the Code of Ethics of the International City/County Management Association (ICMA) and the ethics rules, regulations, and laws of the State of New York. The ICMA Code of Ethics can be found on the ICMA website, icma.org. Consistent with the standards outlined in the Code, the Employee shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fundraising activities for individuals seeking or holding elected office, nor seek or accept any personal enrichment or profit derived from confidential information or misuse of public time. Employer shall support Employee in keeping these commitments by refraining from any order, direction or request that would require Employee to violate the ICMA Code of Ethics. Neither the governing body nor any individual member thereof shall request Employee to endorse any candidate, make any financial contribution, sign or circulate any petition, or participate in any fundraising activity for individuals seeking or holding elected office, nor to handle any matter of personnel on a basis other than fairness, impartiality, and merit.

Section 13: Indemnification.

The provisions of Public Officers Law section 17, conferred by the City Council on City of Geneva employees, apply to the Employee

Section 14: Other Terms and Conditions of Employment

The City Council, only upon Written Agreement with Employee, may fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City Charter, the City Code, or any other law.

Section 15: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

(l) EMPLOYER: Mayor Steve Valentino
Geneva City Hall
47 Castle Street
Geneva, New York 14456

(2) EMPLOYEE: Amie Hendrix
Geneva City Hall
47 Castle Street
Geneva, New York 14456

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice, Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 16: General Provisions

A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the Employer and Employee are merged into and rendered null and void by this Agreement. This Agreement may be amended only by an express written agreement signed by the Employer and Employee. Such amendments must be incorporated and made a part of this Agreement.

B. Successors in Interest. The provisions of this contract will be binding upon and will inure to the benefit of the parties, and their respective successors and approved assigns, if any.

C. Effective Date. This Agreement becomes effective on June 21, 2022, and will continue until December 31, 2025 or is sooner terminated.

D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. If any provision of this Agreement is held to be invalid, the remaining provisions are deemed to be in full force and effect as if they have been executed by both Employer and Employee subsequent to the expungement or judicial modification of the invalid provision.

E. Amendment: The parties by mutual written Agreement may amend any provision of this Agreement during the life of the Agreement. Such amendments, upon approval by the City Council, shall be incorporated and made a part of this Agreement.

F. The Parties agree further that the laws of the State of New York shall apply to the interpretation, effect and enforcement of this Agreement, without regard to New York choice of law provisions. The Parties further agree that any judicial proceeding of any nature brought by any party against any other party hereto to enforce any right or obligation under this Agreement, or arising out of any matter pertaining to this Agreement, shall be submitted exclusively to the Supreme Court of Ontario, State of New York, and all Parties hereto irrevocably consent and submit to the personal jurisdiction of such court in connection with any such judicial proceeding.

IN WITNESS WHEREOF, the City of Geneva, by its Mayor, has caused this Agreement to be signed and executed and attested by its City Clerk and the Employee has signed and executed the Agreement.

APPROVED AS TO FORM

_____

GENEVA CITY ATTORNEY dated
EMIL J. BOVE, JR. ESQ.

CITY OF GENEVA, NEW YORK

_____ _____

MAYOR STEVE VALENTINO dated AMIE HENDRIX dated

ATTEST

_____

LORI J. GUINAN CITY CLERK
SEAL

# Geneva City Council
# Agenda Item Briefing

To: Geneva City Council

From: Michael A. Combs

Meeting Date: June 1, 2022

Item Title: Resolution Declaring Certain Items Surplus

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## Action Required:

An affirmative vote by City Council is required to declare equipment as surplus property.

## Background:

Items in surplus no longer contribute value to the City's operations. The proceeds for the truck will be placed in the Equipment Amortization Fund and the proceeds for the MSA SCBA Air Packs will be used as trade for upgraded equipment.

## Alternatives:

Council may elect to not declare this equipment as surplus.

## Financial Impact:

Proceeds from the sale of this equipment will be applied to the Equipment Amortization Fund and used as trade for upgraded equipment..

**Geneva Fire Department**
CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-6305 - FAX (315) 828-6755 - mac@geneva.ny.us - www.geneva.ny.us

FIRE COMMISSIONERS
Donald F. McGuigan
Gary S. Passalacqua
Donald Wheeler

FIRE CHIEF
Michael A. Combs

*Fire Prevention through Education*

ASSISTANT FIRE CHIEFS
Kevin J. Powers
James F. McCormack
John G. Wright, Jr.

RESOLUTION # 24- 2022

RESOLUTION DECLARING CITY EQUIPMENT SURPLUS PROPERTY

WHEREAS, the City of Geneva no longer has use for the following items:

1. 2000 Pierce Dash 2000 Series Skyarm 100' Ladder Truck

2. MSA SCBA Air Packs & Bottles Including:

   (5) Backpacks and (4) masks

   (43) MSA Fiber wrapped 30- & 60-minute types, mostly 30-minute bottles

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Geneva, New York, that the above equipment be declared surplus property, and

FURTHER BE IT RESOLVED the proceeds from the sale of the surplus equipment will be applied to the Equipment Amortization Fund and used as trade for upgraded equipment.

GENEVA

UNIQUELY URBAN

To: Clr. Camera and Clr. Gaglianese
From: Lori Guinan, City Clerk
Date: June 1, 2022
Subject: Appointments for Council Meeting

The LDC would like Craig Talmadge to be appointed to their board.

Jay Freer and James Engel need to be reappointed to the Shadetree Committee

Mary Bakogiannis and George Fairfax need to be reappointed to the Recreation Advisory Board

**Office of the City Clerk**
**Lori Guinan**
CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456
(315) 789-2603 - FAX (315) 789-0604 - lguinan@geneva.ny.us - www.cityofgenevany.com